



05-24-10

DAC

John W. Sliwa  
24871 Olive Tree Lane  
Los Altos Hills, CA 94024

May 21, 2010

**Mail Stop PETITIONS**

Attn: Sherry D. Brinkley, Petitions Examiner  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment**

In re Application of  
Carol A. Tosaya, et al.  
Application No. 10/826,232  
Filed: April 16, 2004  
Attorney Docket No.: D-03020A

We request withdrawal of the holding of abandonment for patent application number 10/826,232.

Notice of Abandonment was received on 03/04/10. However, this application never should have gone abandoned. All required documents (a copy of each document is appended herewith) were submitted within the specified timeframe on 11/23/09:

- RCE Transmittal Letter
- Certificate of Mailing
- Petition for Extension of Time (1 month)
- Check in the amount of \$470 (RCE fee)
- Amendment
- Receipt-acknowledgement postcard

The patent application number was entered incorrectly by us as 10/826,233 on one of the submitted documents, namely, the RCE Transmittal Letter. All other submitted documents carried the correct application number, and all documents carried the correct name of the first-listed inventor. Finally, the Amendment listed the Confirmation Number as 9638, the same as the parent application. However, a call placed on March 8, 2010 to the Petition Helpdesk confirmed that a USPTO clerical error resulted in all of the documents that were submitted on 11/23/09 incorrectly being appended to application 10/826,233. Furthermore, we learned that application 10/826,233 already had been assigned a Serial Number at the time of our submittal on 11/23/09, which should have prevented the processing of an RCE application and fee.

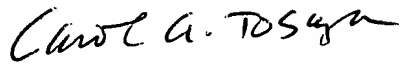
We can be reached at the address at the top of this letter, by telephone at (650) 949-2219, or by email at [carol.tosaya@gmail.com](mailto:carol.tosaya@gmail.com).

Application No. 10/826,232

May 21, 2010

Page 2

Respectfully,

A handwritten signature in cursive script, appearing to read "Carol A. Tosaya".

Carol A. Tosaya

Inventor, Application No. 10/826,232

A handwritten signature in cursive script, appearing to read "John W. Sliwa".

John W. Sliwa

Inventor, Application No. 10/826,232